IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

W.A.No.2330 of 2006

AGAINST THE JUDGEMENT IN W.P.(C).NO.26519/2006 DATED 08.11.2006

APPELLANTS: RESPONDENTS:-

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THE REGIONAL TRANSPORT OFFICER, ALAPPUZHA.

BY GOVERNMENT PLEADER SRI.T.B.HOOD.

RESPONDENT: PETITIONER:-

A.P.SEN,
VALIYAKARINIKANTHIL, C.M.C.I, CHERTHALA.

BY ADV. SRI.G. PRABHAKARAN.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

V.K.Bali,C.J. & C.N.Ramachandran Nair,J.

W.A.No.2330 of 2006

Dated, this the 11th day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

The short order impugned in the Writ Appeal reads thus:

> "The petitioner is operating the stage carriage KL-4/R 2129 on the route Muttathiparambu - Ernakulam (Kaloor). He submits, the time schedule of the said vehicle was settled on 25.7.2000. In view of the change of circumstances, the petitioner has submitted Ext.P1 representation for revising the said timings. Alleging that the said application is not being considered, this Writ Petition is filed.
>
> 2. Though, service is complete, the respondent has not furnished any instruction to the learned Government Pleader. The respondent is directed to consider and pass orders on Ext.P1 in accordance with law, if the same is received and pending.
>
> The Writ Petition is allowed as above with costs".

There cannot be any exception to the first part of the order, by which only representation has been ordered to be considered. Learned counsel for the appellant, however, states that there was no occasion to allow the petition with costs.

2. The contention has merits. The order was passed without hearing the appellant, though notice was served on him. There cannot be any exception to the view that has been taken. However, the last sentence of the order imposing costs is quashed and to that extent only the appeal stands allowed.

V.K.Bali
Chief Justice

C.N.Ramachandran Nair
Judge

vku/-